

Serial No.: 09/378,196

Attorney Docket No.: 99P7442US01

REMARKS

Upon entry of the instant Amendment, claims 1-8, and 12-17 are pending. Applicants gratefully acknowledge that Claim 14 was indicated to be allowable over the art. Claim 14 has been amended to overcome the Section 112 rejections. Claims 9-11 have been canceled. Claims 1, 5, and 8 have been amended, and claims 15-17 has been added, to more particularly point out Applicants' invention.

Claim 14 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 14 has been amended in accordance with the suggestion in paragraph 2 of the Official Action. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1-7 were rejected under 35 U.S.C. §103 as being unpatentable over Roy, U.S. Patent No, 6,081,513 ("Roy") in view of Riddle, U.S. Patent No. 6,175,856 ("Riddle"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Roy or Riddle, either singly or in combination. As discussed in the Specification, one aspect of the present invention relates to a bandwidth adjustment server or bandwidth allocation server (BWAS) which monitors system bandwidth usage and directs each of the user terminals to adjust their coding algorithms based on system bandwidth usage. If system bandwidth usage is high, the BWAS requires the user terminals to employ a less bandwidth-intense coding algorithm; similarly, when system bandwidth usage is low, the BWAS will allow the user terminals to employ higher bandwidth-use coding algorithms. Thus, in response to signals from the BWAS, the client terminals adjust their coding algorithms. The direction can be on a network-wide level and not necessarily restricted to entities currently in a conference another entity wishes to join.

The determination may be based upon a modified demand, demand, percentage of voice load allowed, and determination of load expected. As such, claim 1 has been amended to recite "wherein a renegotiation is based on a modified demand, demand, a percentage of voice load allowed, and a percentage of calls expected to be activated ;" and claim 5 has been amended to recite "wherein said changing based on network

Serial No.: 09/378,196

Attorney Docket No.: 98P7442US01

usage is based on a determination of demand, modified demand, a percentage of voice load allowed, and a percentage of calls expected to be activated." The claims thus now specifically recites criteria for a demand determination made in embodiments of the present invention. Such a recitation is similar to that of allowed claim 14 and such a determination does not appear to be taught, suggested, or implied by either Roy or Riddle. As such, the Examiner is respectfully requested to reconsider and withdraw the rejections.

Claims 8-13 were rejected under 35 U.S.C. 103 as being unpatentable over Riddle in view of Roy. Claims 9-11 have been canceled. Claim 8 has been amended to recite "said changing means including means for changing based on a determination of demand, modified demand, a percentage of voice load allowed, and a percentage of calls expected to be activated." As discussed above, neither Roy nor Riddle appear to teach, suggest, or imply such criteria. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claims 5, 7, 8, 10, and 11 have been provisionally rejected under the judicially created doctrine of obviousness type double patenting over claims 15 and 19 of co-pending Application No. 09/238,671. Applicants will consider filing a terminal disclaimer when allowable subject matter is indicated.

Newly added claims 15-17 include limitations similar to those of Claim 14. Thus, like claim 14, Applicants respectfully submit that these claims, too, are allowable.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully requested,

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